

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ERIC JOHNSON, as the Special  
Administrator of the Estate of ETOYCE  
JOHNSON, deceased,

Plaintiff,

v.

STATE OF OKLAHOMA ex rel.  
OKLAHOMA DEPARTMENT OF PUBLIC  
SAFETY, *et al.*,

Defendants.

Case No. 18-CV-463-GKF-FHM

**NOTICE OF SCRIVNER'S ERROR**

Plaintiff's state court petition filed on March 28, 2018 and removed to this court on September 7, 2018 (Dkt. # 2-1) refers to Plaintiff's civil rights claims as being brought pursuant to 28 U.S.C. § 1983, as opposed to 42 U.S.C. § 1983. This was a mere scrivener's error and should not affect the merits of Plaintiff's claims. The petition clearly refers to the "Civil Rights Violations" alleged. *See* Dkt. # 2-1, pp. 11-13. The parties have, throughout litigation, assumed that Plaintiff raised claims under the Civil Rights Act of 1871, as evident in the Court record. *See, e.g.*, Dkt. ## 7, 13, 20, 21. The first notice Plaintiff had of the issue was when the undersigned was served with Defendants' Motion for Summary Judgment (Dkt. # 50). Plaintiff is filing this Notice of Scrivener's Error to clarify the record. If the Court finds that the Notice is insufficient to address Defendants' concerns, Plaintiff would request leave to amend to correct the mistake pursuant to Rule 15.

Respectfully submitted,

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/s/Laura L. Hamilton

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*Attorneys for Plaintiff, Eric Johnson, on behalf of  
the Estate of Etoyce Johnson, Deceased*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of July, 2020, I caused the above and foregoing to be submitted to the Clerk of Court using the ECF System for filing and for transmission of a Notice of Electronic Filing to all counsel of record in this case.

/s/Laura L. Hamilton